



Agenda Item No. \_\_\_\_\_

File Code No. **570.08**

# **CITY OF SANTA BARBARA**

## **COUNCIL AGENDA REPORT**

**AGENDA DATE:** February 8, 2011

**TO:** Mayor and Councilmembers

**FROM:** Parks Division, Parks and Recreation Department

**SUBJECT:** Appeal Of The Parks And Recreation Commission Action To Deny  
The Removal Of A Front Setback Tree Located At 1704 Mission  
Ridge Road

### **RECOMMENDATION:**

That Council deny the appeal filed by Dr. Michael Cooper and uphold the Parks and Recreation Commission decision to deny the removal of a Phoenix canariensis (Canary Island Date Palm) located in the minimum front setback at 1704 Mission Ridge Road.

### **DISCUSSION:**

#### Tree Removal Application

On November 22, 2010, the Parks and Recreation Department received a tree removal application from Dr. Michael Cooper for the Canary Island Date Palm tree located in the minimum front setback at 1704 Mission Ridge Road (Attachment 1). The basis for the applicant's tree removal request was that the tree is difficult to maintain, presents a fire hazard, presents a safety hazard from falling palm fronds and fruit, and obstructs the views from the house.

#### Background

The Canary Island Date Palm located at 1704 Mission Ridge Road is estimated to have been planted at least 20 years ago. The property at 1704 Mission Ridge Road is zoned E-1 with a front setback of 30 feet. Since the tree is located in the minimum front setback, a permit is required before the tree can be removed.

Santa Barbara Municipal Code (SBMC) Chapter 15.24 Preservation of Trees, provides for the maintenance and preservation of certain trees on private property. SBMC Section 15.24.020 establishes the permitting requirements for removing any tree growing within the minimum front setback. Pursuant to Municipal Code Section 15.24.040, a setback tree

requires review by the Street Tree Advisory Committee (STAC). The STAC provides a recommendation to the Parks and Recreation Commission (Commission) based on the considerations specified under 15.24.080.

Pursuant to SBMC 15.24.080, considerations during the review of a tree removal application, include:

- Whether the tree is an official Historic or Specimen tree,
- The potential size of the tree in relation to the lot,
- The number and size of other trees on the site or on adjacent City property,
- Any benefits to adjacent trees,
- Whether the tree was planted by or with the permission of the applicant, the condition and structure of the tree,
- And whether the tree canopy can properly grow.

The Commission reviews the application materials and the STAC recommendation prior to taking action. In addition to the considerations under Section 15.24.080, the Commission must determine, under Section 15.24.090, one of the following conditions exists in order to make a finding for removal:

- That the removal would adhere to the principals of good forestry management or,
- A reasonable development of the property requires the removal or,
- That the character of the neighborhood would not be materially affected or,
- That the topography of the building site renders the removal desirable or,
- The safety of persons or property dictates removal.

Parks and Recreation Commission decisions on tree removal permit applications may be appealed to the City Council pursuant to SBMC 15.20.170.

#### Tree Removal Application Review

Dr. Cooper's tree removal application was reviewed by the Street Tree Advisory Committee (STAC) at its December 2, 2010, regular meeting. The STAC reviewed materials submitted by the applicant and conducted a site visit. The STAC voted (3/0) to recommend that the Parks and Recreation Commission deny the tree removal application. The STAC determined the tree could, through regular maintenance, be maintained to address safety concerns and prevent hazards.

The Parks and Recreation Commission considered the application and the STAC recommendation at its regular meeting on December 15, 2010. The Commission unanimously voted (7/0) to concur with the STAC recommendation and thereby denied the setback tree removal application.

Appeal of the Parks and Recreation Commission's Decision

Dr. Cooper is appealing the Parks and Recreation Commission's denial of his tree removal application on the basis that the tree poses safety concerns. The safety concerns of the appellant are outlined in the letter from Vista Tree Service. Dr. Cooper's appeal letter also claims that the tree is showing signs of deterioration.

Standard arboricultural practices require that a certified arborist determine that all three of the following conditions be met for a tree to be considered a hazard, and therefore a danger to public safety.

1. The tree is of a size where it could cause damage if it fell.
2. There is a target, i.e. something valuable would be impacted.
3. There is an observable defect that warrants concern about the tree's safety.

While the current height of the Canary Island Date Palm could result in damage if it fell, it does not currently exhibit observable defects or deterioration that would preclude its safety. The upper area of the trunk identified as a concern for the appellant illustrates standard pruning practices for palm trees. When palm fronds are removed, the base of the frond remains attached to the tree to protect the trunk. The frond base eventually separates from the trunk and falls away. The photograph supplied by the appellant illustrates frond bases that are beginning to fall away naturally. This process does not indicate a defect in the structure of the trunk or a potential hazard. Through regular maintenance, the safety issues identified by the appellant can be addressed.

Municipal Code Section 15.24.030(c) allows the Parks and Recreation Director to approve the removal of a tree under certain conditions, including if the tree is so weakened by age, disease, storm, fire, or any injury so as to cause imminent danger to persons or property. The Canary Island Date Palm at 1704 Mission Ridge Road does not currently exhibit conditions that indicate it is an imminent danger to persons or property.

The STAC and the Commission took into account all the considerations for removal pursuant to SBMC 15.24.080 described above. The STAC and Commission also considered all the findings for removal pursuant to SBMC 15.24.090.

**RECOMMENDATION:**

It is staff's position that the Parks and Recreation Commission considered all relevant issues pertaining to the tree removal application. Staff recommends that Council deny the appeal and uphold the decision of the Parks and Recreation Commission to deny the tree removal application.

**ATTACHMENTS:**

1. Tree Removal Application, dated November 1, 2010
2. Street Tree Advisory Committee Meeting Minutes, December 2, 2010
3. Parks and Recreation Commission Meeting Minutes, December 15, 2010
4. Appeal letter and attachments, dated January 10, 2011

**PREPARED BY:** Tim Downey, Urban Forest Superintendent  
Jill E. Zachary, Assistant Parks and Recreation Director

**SUBMITTED BY:** Nancy L. Rapp, Parks and Recreation Director

**APPROVED BY:** City Administrator's Office



City of Santa Barbara  
Parks and Recreation Department

SETBACK TREE REMOVAL APPLICATION

CITY OF SANTA BARBARA

NOV 22 2010

PARK & RECREATION  
PARKS DIVISION

Mailing Address:

PO Box 1990  
Santa Barbara, CA 93102  
(805) 564-5433 FAX (805) 897-2524

Physical Address:

402 E. Ortega St.  
Santa Barbara, CA 93101

Application Fee: \$50 (effective July 1, 2010)

DATE OF REQUEST:	11-1-10
APPLICANT:	MICHAEL COOPER
OWNER NAME (IF DIFFERENT THAN APPLICANT):	MICHAEL COOPER
MAILING ADDRESS:	1704 MISSION RIDGE RD 93103
DAYTIME PHONE:	805 966 6325
LOCATION OF TREE (ADDRESS):	1704 MISSION RIDGE RD 93103
TREE SPECIES (IF KNOWN):	DATE PALM
REASON(S) FOR REMOVAL:	HAZARDOUS RISK, STEEP INCLINE, FIRE DANGER
TREE(S) WILL BE REPLACED: Yes [ ] With: No <input checked="" type="checkbox"/>	

PROVIDE THE FOLLOWING SUPPLEMENTAL INFORMATION

- Property owner letter, indicating reasons for removal. Also include whether:
  - The removal application is associated with new development or redevelopment of property
  - Status of development application, including whether the project is scheduled for review by the Single Family Design Board, Architectural Board of Review or Historic Landmarks Commission
  - The tree is a designated Specimen or Historic Tree or located on a property with a designated Historic Landmark
- Photo of tree(s) proposed for removal
- Development plan/Landscape plan

November 14, 2010

City of Santa Barbara

Parks and Recreation Department

P.O. Box 1990

Santa Barbara, CA 93102

RE: Removal of Date Palm

I am requesting the removal of a Date Palm tree in the front of my property at 1704 Mission Ridge Road, Santa Barbara, 93103. The tree is on an extremely steep hill side and is becoming more difficult and dangerous to trim. It is a fire hazard. The palm fronds fall off they are a hazard to traffic on Mission Ridge Road. The dates are a mess when they fall off of the tree both on my property and the street. In addition to these issues the Date Palm is obstructing the views from my residence.

There is no new development or redevelopment of the property. The tree has no Historic designation of this tree and it is not a specimen. The date palm tree will not be replaced with any other tree. I do not believe that there is a need for a review by the Single Family Design Board or the Historic Landmarks Commission. It is a simple request to have a big, ugly, dirty tree removed.

Enclosed is a photo of the tree an application form and a check for \$50.00.

Thank you for your understanding and cooperation in this matter.

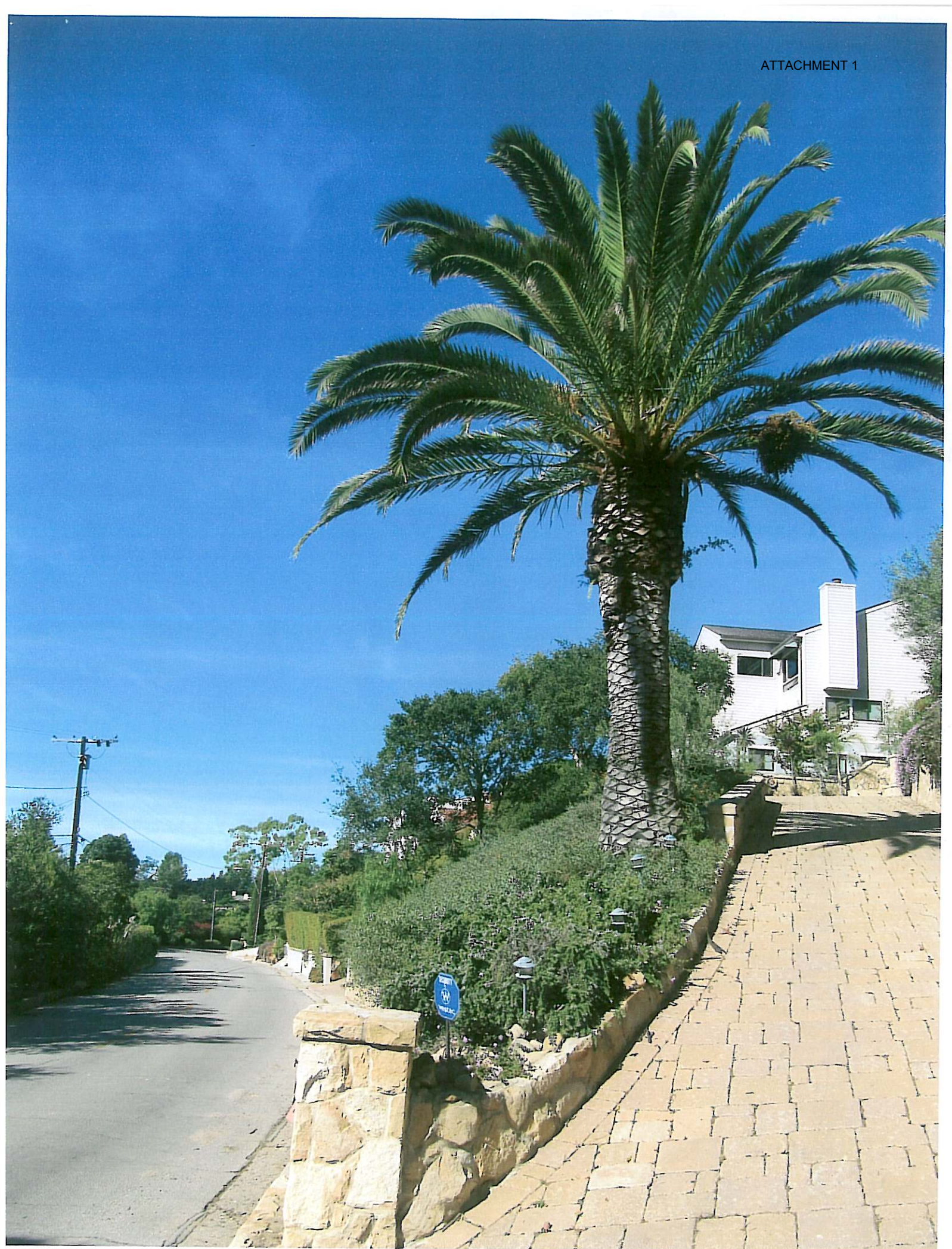
Sincerely,

Dr. Michael Cooper





























**CITY OF SANTA BARBARA  
PARKS AND RECREATION DEPARTMENT**

**Street Tree Committee  
REGULAR MEETING  
Thursday, December 2, 2010  
Parks Lunch Room  
402 E. Ortega Street  
8:30 a.m.**

**Minutes**

1. CALL TO ORDER 8:32 AM
2. ROLL CALL  
Members present: Ricardo Castellanos, Maury Treman, Karen Christman  
Staff present: Randy Fritz, Tim Downey, Patty Herrera, Lisa Arroyo  
P&R Commission Liaison present: Lesley Wiscomb

3. APPROVAL OF MINUTES  
A. Regular Meeting, November 4, 2010 – Approved.

**Member Maury Treman moved, seconded by Karen Christman that the November 4, 2010 Minutes be approved as presented, passed 3/0.**

4. CHANGES TO THE AGENDA
  1. Take 300 block of W. Ortega St. after Member and Staff Communication.
  2. Maury Treman would like to postpone the following: (2) items in the Street Tree Master Plan and Old Business until other members are present. Street Tree Master Plan (1.) 1000 – 1300 block of Chapala St. – consider change to designated species and (3.) 3000 block of De La Vina St. – consider change to designated species; Old Business (A.) Upper State St. – consider change to designated species and (B.) 2400 – 2900 De La Vina St. – change or designate additional species.

**Member Maury Treman moved, seconded by Karen Christman to postpone Street Tree Master Plan numbers 1 & 3 and Old Business A & B, passed 3/0.**

5. MEMBER AND STAFF COMMUNICATION
  - A. PARKS AND RECREATION COMMISSION ACTIONS
    1. Tim updated STAC regarding the November Parks and Recreation Commission actions. Tim informed STAC that the Parks and Recreation Commission concurred with all of STAC recommendations except for one Parks and Recreation Commission approved all removals at 535 E. Montecito St.
    2. Tim updated STAC regarding Enforcement cases.
    3. Tim informed STAC he is considering a 3<sup>rd</sup> evening training on City Tree Regulations. STAC and Lesley Wiscomb shared they strongly recommend a 3<sup>rd</sup> training in the evening. Tim also informed STAC that a PowerPoint presentation of the City Tree Regulations training was available online.
6. PUBLIC COMMENT  
None
7. NEW BUSINESS

## A. TREE REMOVAL CONSIDERATIONS

STREET TREES

1. 300 block of W. Ortega St. – (2) *Eucalyptus ficifolia*, Red Flowering Gum, (1) *Quercus agrifolia*, Coast Live Oak – Lisa Arroyo, Public Works Engineering

**Recommendation to approve**

The Committee recommends that the Commission concur with the additional requests on the condition that rather than boxing and relocating trees numbered #4 and #5, new minimum 15-gallon Red Flowering Gum trees of 1.5" caliper be planted at the locations proposed by the applicant. The applicant will also replace trees numbered #1 and #2 with new minimum 15-gallon Red Flowering Gum trees of 1.5" caliper.

**Member Karen Christman moved, seconded by Maury Treman that the Commission concur with the additional requests on the condition that rather than boxing and relocating trees numbered #4 and #5, new minimum 15-gallon Red Flowering Gum trees of 1.5" caliper be planted at the locations proposed by the applicant. The applicant will also replace trees numbered #1 and #2 with new minimum 15-gallon Red Flowering Gum trees of 1.5" caliper, passed 3/0.**

SETBACK TREES

1. 1637 Loma St. – *Pinus halepensis*, Aleppo Pine – Arbor Services

**Recommendation to approve**

The Committee recommends that the Commission approve the removal. The Committee and staff determined this tree is too large for this location, other trees in the area provide ample shade, and the tree will get much larger than it is now causing significant damage.

**Member Maury Treman moved, seconded by Ricardo Castellanos that the Commission approve the removal, passed 2/0/1. Member Karen Christman abstained.**

2. 1704 Mission Ridge Rd. – *Phoenix canariensis*, Canary Island Date Palm – Michael Cooper

**Recommendation to deny**

The Committee recommends that the Commission deny the removal. The Committee and staff determined that the reasons provided by the applicant are not sufficient to justify removal.

**Member Maury Treman moved, seconded by Karen Christman that the Commission deny the removal, passed 3/0.**

## B. STREET TREE MASTER PLAN

1. 1000 – 1300 block of Chapala St. – consider change to designated species

The Committee recommends postponing item until other Members are present.

**Member Maury Treman moved, seconded by Karen Christman to postpone item until other Members are present. passed 3/0.**



2. Loma St. (all 3 blocks) – add an alternate species

The Committee recommends that the Commission co-designate *Tabebuia chrysotricha*, Golden Trumpet Tree as an additional species.

**Member Maury Treman moved, seconded by Karen Christman to co-designate *Tabebuia chrysotricha*, Golden Trumpet Tree as an additional species, passed 3/0.**

3. 3000 block of De La Vina St. – consider change to designated species

The Committee recommends postponing item until other Members are present.

**Member Maury Treman moved, seconded by Karen Christman to postpone item until other Members are present. passed 3/0.**

4. 300 block of W. Calle Cesar Chavez – change the designated species

The Committee recommends that the Commission change the designated species from *Magnolia 'Little Gem'*, Little Gem Magnolia, to *Magnolia grandiflora 'Samuel Sommers'*, Samuel Sommers Magnolia as designated species.

**Member Karen Christman moved, seconded by Maury Treman to change the designated species from *Magnolia 'Little Gem'*, Little Gem Magnolia, to *Magnolia grandiflora 'Samuel Sommers'*, Samuel Sommers Magnolia as designated species, passed 2/0/1. Member Ricardo Castellanos abstained.**

#### 8. OLD BUSINESS

- A. Upper State St. – street tree designation
- B. 2400 – 2900 De La Vina St. – change or designate additional species

**Member Maury Treman moved, seconded by Karen Christman to postpone Street Tree Master Plan numbers 1 & 3 and Old Business A & B, passed 3/0.**

Meeting was adjourned at 10:35 AM

**Member Maury Treman moved, seconded by Karen Christman to adjourn meeting, passed 3/0.**

Respectfully submitted,  
Tim Downey, Urban Forest Superintendent

**AMERICANS WITH DISABILITIES ACT:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Tim Downey at 564-5592. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements.



**City of Santa Barbara  
PARKS AND RECREATION DEPARTMENT**

**PARKS AND RECREATION COMMISSION  
Regular Monthly Meeting**

**Wednesday, December 15, 2010**

**Minutes**

**CALL TO ORDER:** The meeting was called to order at 4:00 p.m. in City Council Chambers.

**PLEDGE OF ALLEGIANCE:** Chair Wiscomb

**ROLL CALL:**

**Commissioners & Staff Present**

Commissioner Lesley Wiscomb  
Commissioner Daraka Larimore-Hall  
Commissioner W. Scott Burns  
Commissioner Chris Casebeer  
Commissioner Nicolas Ferrara  
Commissioner Rocky Jacobson  
Commissioner Beebe Longstreet  
Commission Intern Diego Torres-Santos  
Parks & Recreation Director Nancy Rapp  
Asst. Parks & Recreation Director Jill Zachary  
Urban Forest Superintendent Timothy Downey  
Executive Assistant Karla Megill  
Recreation Program Manager Judith McCaffrey  
Parks Manager Santos Escobar, Jr.  
Recreation Programs Manager Sarah Hanna  
Recreation Supervisor Terry Brown  
Neighborhood and Outreach Sr. Supervisor Antonio Velasquez  
Neighborhood and Outreach Services Supervisor Susan Young  
Neighborhood and Outreach Coordinator I Pete Leyva  
Associate Planner Kathy Frye  
Recreation Coordinator Kimmie Coley

**CHANGES TO THE AGENDA:** None

**PUBLIC COMMENT:** No one wished to speak.

**WRITTEN COMMUNICATIONS:** None



## **COMMUNITY SERVICE RECOGNITION:**

1. Recognition of Community Volunteers Supporting Neighborhood and Outreach Services Programs - For Action

Document(s):

- Staff Report

Speaker(s):

- Staff: Nancy L. Rapp, Parks and Recreation Director; Susan Young, Neighborhood and Outreach Services Supervisor; Pete Leyva, Neighborhood and Outreach Services Coordinator; Chloe Hunt, Santa Barbara Youth Council
- Members of the Public: Susana Madueno Gonzalez, Janice Rorick, Melissa Wilkins, and Officer Carl W. Kamin

Recommendation: That the Commission:

- A. Recognize Susana Susana Madrueno Gonzalez for volunteering for projects in the Lower Westside neighborhood; and
- B. Recognize Tara Haaland-Ford, Jorge Fulco, Christy Haynes, Officer Carl Kamin, Janice Rorick, and Melissa Wilkins, for volunteering and supporting Parks and Recreation youth and teen programming.

The Commission recognized these individuals and presented them with certificates of appreciation for their efforts.

## **COMMISSIONER COMMITTEE ASSIGNMENT REPORTS:**

Commissioner Jacobson reported on the activities of the Youth Council.

Commissioner Longstreet encouraged the community to respond to the Parks and Recreation Community (PARC) Foundation's annual appeal for funding.

Commissioner Burns reported on the activities of the Front Council Trail Multi-Jurisdictional Task Force.

Commissioner Ferrara reported on the Integrated Pest Management Advisory Committee.

Chair Wiscomb reported on the activities of the Street Tree Advisory Committee.

## **COMMISSION AND STAFF COMMUNICATIONS:**

Ms. Rapp reminded the Commission that City employees would be on furlough December 20 through December 31st. She said some facilities will be open to serve the public.



## **YOUTH COUNCIL REPORT:.**

The Commission recognized Intern Diego Torres-Santos for his service on the Commission and presented him with a certificate of appreciation.

Intern Torres-Santos provided the Youth Council report. He introduced the 2011 Youth Council Chair, Pepe Gil. Pepe Gil addressed the Commission and introduced the Youth Council members who were present at the meeting.

## **CONSENT CALENDAR:.**

2. Summary of Council Actions - For Information  
Ms. Rapp briefed that City Council approved the long-term lease agreement with Elings Park to take over the maintenance and operation of the Las Positas Tennis Facility.
3. Approval of Minutes - For Action
  - A. Recommendation: That the Commission waive the reading and approve the minutes of the regular meeting of November 17, 2010.

**Commissioner Beebe Longstreet moved, seconded by Commissioner Chris Casebeer, and passed 6/0 to waive the reading and approve the minutes of the regular meeting of November 17, 2010.**

**Commissioner Larimore-Hall Abstained.**

## **STREET TREE ADVISORY COMMITTEE ITEMS**

4. Street Tree Advisory Committee Recommendations - For Action

Recommendation: That the Commission:

Document(s):

- Staff Report
- Staff PowerPoint

Speaker(s):

- Staff: Tim Downey, Urban Forest Superintendent

- A. Conditionally approve the following Street Tree removal request.

1. 300 block of W. Ortega St. - (2) Eucalyptus ficifolia, Red Flowering Gum, (1) Quercus agrifolia, Coast Live Oak - Lisa Arroyo, Public Works Engineering

**Commissioner Beebe Longstreet moved, seconded by Commissioner Nicolas Ferrara, and passed 7/0 to Concur with the**



**Street Tree Advisory Committee and approve the removal of the trees at 300 block of W. Ortega Street.**

- B. Approve the following Street Tree removal request.

1. 1637 Loma St. - Pinus halepensis, Aleppo Pine - Arbor Services

**Commissioner Beebe Longstreet moved, seconded by Commissioner Daraka Larimore-Hall, and passed 7/0 to concur with the Street Tree Advisory Committee and approve the removal of the tree at 1637 Loma Street.**

- C. Deny the following Setback Tree removal request.

1. 1704 Mission Ridge Rd. - Phoenix canariensis, Canary Island Date Palm - Michael Cooper

**Commissioner Beebe Longstreet moved, seconded by Commissioner Nicolas Ferrara, and passed 7/0 to concur with the Street Tree Advisory Committee and deny the removal of the tree at 1704 Mission Ridge Road.**

- D. Approve the requests to designate the following species to the Street Tree Master Plan

1. Loma St. (all) - add an alternate species

**Commissioner Chris Casebeer moved, seconded by Commissioner Rocky Jacobson, and passed 7/0 to concur with the Street Tree Advisory Committee and staff recommendation to add the alternate species for Loma Street.**

2. 300 W. Calle Cesar Chavez - change the designated species

**Commissioner Nicolas Ferrara moved, seconded by Commissioner Beebe Longstreet, and passed 7/0 to concur with the Street Tree Advisory Committee to change the designated species to Magnolia grandiflora Samuel Sommers for 300 W. Calle Cesar Chavez.**

**OLD BUSINESS**

**NEW BUSINESS**

5. Advisory Committee Interviews and Appointments - For Action (Attachments)

Recommendation: That the Commission:

Document(s):

- Staff Report



Speaker(s):

- Staff: Nancy L. Rapp, Parks and Recreation Director
- A. Conduct one interview, consider the applications of three incumbent applicants, and make three appointments to the Street Tree Advisory Committee;

**Commissioner Chris Casebeer moved, seconded by Commissioner Beebe Longstreet, and passed 7/0 to re-appoint Carol Bornstein, Bob Cunningham, and Maury Treman, each representing the community at large, to the Street Tree Advisory Committee, for terms ending December 31, 2012.**

- B. Conduct five interviews, consider the application of one incumbent applicant, and make one, community at-large appointment to the Golf Advisory Committee;

Ms. Rapp advised the Commission that four of the six applicants to the Golf Advisory Committee have withdrawn their applications, leaving two applicants for consideration.

Commissioner Larimore-Hall expressed concern about the interview and appointment process for advisory committee members. He suggested the applications be expanded to include more specific questions, and that the liaisons work with staff to help develop the questions. Mr. Larimore-Hall stated it would enable the applicant to be better prepared for the interview process. He said that at this time he does not feel he has enough information to make a decision between the two at-large applicants.

**Commissioner Chris Casebeer moved, seconded by Commissioner Rocky Jacobson, and passed 4/2 to appoint Elaine Abercrombe, representing the community at large, to the Golf Advisory Committee, for a term ending December 31, 2012.**

**Commissioners Burns and Ferrara were opposed. Commissioner Larimore-Hall abstained.**

- C. Consider the application of incumbent John Craig, and re-appoint him to the Golf Advisory Committee, representing the Los Paisanos Golf Club; and incumbent, Dominic Namnath, and re-appoint him to the Golf Advisory Committee representing the Santa Barbara Men's Club.
- D. Consider the application of incumbent Maureen Masson and re-appoint her to the Golf Advisory Committee, representing the Executive Women's Golf Club.



Commissioner Beebe Longstreet moved, seconded by Commissioner Daraka Larimore-Hall, and passed 7/0 to re-appoint John Craig, representing the Los Paisanos Golf Club; Maureen Masson, representing the Executive Women's Club; and Dominic Namnath, representing the Men's Club, for terms ending December 31, 2012.

## **ADMINISTRATIVE AND STAFF REPORTS**

### **6. Annual Contributions Report - Fiscal Year 2010 - For Information**

Recommendation: That the Commission receive a report on the donations and grants received by the Parks and Recreation Department during Fiscal Year (FY) 2010.

Document(s):

- Staff Report
- Staff PowerPoint

Speaker(s):

- Staff: Jill E. Zachary, Assistant Parks and Recreation Director

Commissioner Larimore-Hall requested that for future reports, staff provide a chart indicating the percentage of grants received by State, Federal, and local agencies.

### **7. Parma Park Capital Improvement Project Update Report - For Information**

Recommendation: That the Commission receive a report on the Stanwood Entrance/Equestrian Staging Area project and the post-Tea Fire restoration of Parma Park.

Document (s):

- Staff Report
- Staff PowerPoint

Speaker(s):

- Staff: Jill E. Zachary Parks and Recreation Director; Kathy Frye, Associate Planner

### **8. Neighborhood and Outreach Services Report - For Information**

Recommendation: That the Commission receive a status report on the Neighborhood and Outreach Services section.

Document(s):

- Staff Report
- Staff PowerPoint

Speakers:

- Staff: Antonio Velasquez, Neighborhood and Outreach Services Sr. Supervisor; Susan Young, Neighborhood and Outreach Services Supervisor

9. Afterschool Recreation and Sports Program Report - For Information

Recommendation: That the Commission receives a report on the current status of after school programs.

Document(s):

- Staff Report
- Staff PowerPoint

Speakers:

- Staff: Judith McCaffrey, Recreation Programs Manager; Terry Brown, Recreation Supervisor; Kimmie Coley, Recreation Coordinator

**ADJOURNMENT**

At 7:02 p.m., with no further business to be addressed by the Commission,

**Commissioner Daraka Larimore-Hall moved, seconded by Commissioner Nicolas Ferrara, and passed 7/0 to adjourn.**

Respectfully submitted,

Nancy L. Rapp  
Parks and Recreation Director



DR. MICHAEL R. COOPER

RECEIVED

2011 JAN 10 AM 8:53

January 10, 2011

CITY OF PALM BEACH  
CITY CLERK → DE

Dear Madam Mayor and Council,

City Parks and Recreation has declined my request to remove a Date Palm tree from my front yard. I am appealing to you for permission to remove this tree due to my concerns for the safety of those who may be passing my property, not to mention my own personal safety.

Please see the attached letter from Warrecker Brothers Vista Tree Service, outlining several points that would support my claim for safety. Also find attached two photographs of the tree; one showing its position on the property, and the other showing deterioration of the tree.

Tim Downey, the Urban Forest Superintendent, has related that the city code states that permission to remove the tree can be granted only if it an "immediate and eminent danger to public safety." How does one determine when a tree like this becomes an eminent danger to public safety?

It seems impossible for anyone to determine the exact time when a tree is an "immediate and eminent danger to public safety." As the property owner, I have determined that the tree is an immediate and eminent danger to public safety at this time. Tim Downey says that a Certified Arborist has to make that determination and then he has to concur. Duke Mc Pherson, Bruce Van Dyke and Tony Warrecker all concur that the tree should be removed.

Tim Downey has indicated that it I is who am responsible for any damage or harm that is related to the tree. I would ask that if the city declines permission for its removal, and an unfortunate incident should occur, am I still responsible or does this become the responsibility of the city?

Since I purchased my home in 1997, I have planted twenty four olive trees on the hillside property. If you grant the removal of the Date Palm I will replace it with more olive trees.

Thank you for your consideration of my appeal.



Dr. Michael Cooper



Dr. Michael Cooper  
1704 Mission Ridge Rd.  
Santa Barbara, CA 93103

Performing all aspects of professional tree care.

RE: Opinion on Canary Island Date Palm

Dear Dr. Michael Cooper or whom it may concern,

As you requested, I visited your property at 1704 Mission Ridge Road to provide you with my opinion on the Canary Island Date Palm located adjacent to your driveway. It is my opinion that the tree poses many risks to you as a homeowner and should be removed according to your wishes. Below, please find a list of the concerns that support my recommendation.

- 1) Date Palm seeds create an unsafe walking surface to retrieve mail on the driveway due to the steep incline.
- 2) Future pruning will require lane closure.
- 3) The incline below the tree is unsafe, resulting in an unsafe situation when trunk and ball need to be shaved and workers must retrieve debris from hillside above roadside.
- 4) This species reaches a height of 80 feet at maturity. The current location (steep incline) is hazardous for a tree of this size and would result in broken power lines and blockage of entire roadway if it were to fall.
- 5) The base of the tree is beginning to crack rock wall along the driveway. As the tree matures, damage to rock wall will be greater.
- 6) The Canary Island Date Palm is a non-native species. The owner has expressed willingness to replace tree with an Olive or Oak tree to match current landscaping.
- 7) The Canary Island Date Palm is a very costly tree to maintain and must be pruned multiple times per year due to date seeds falling on driveway.
- 8) Tree reduces property value by blocking view from every room in the house.
- 9) A shorter tree would be more appropriate for the grade and proximity to driveway.
- 10) This is the Homeowner's first request for removal. Many new trees have been installed that better suite the property aesthetically and are safer.

I believe that the above reasons warrant your request to remove the Date Palm. Your motivation is to protect your property, reduce liability and maintain a safe and beautiful landscape. I hope you are able to resolve the issue.

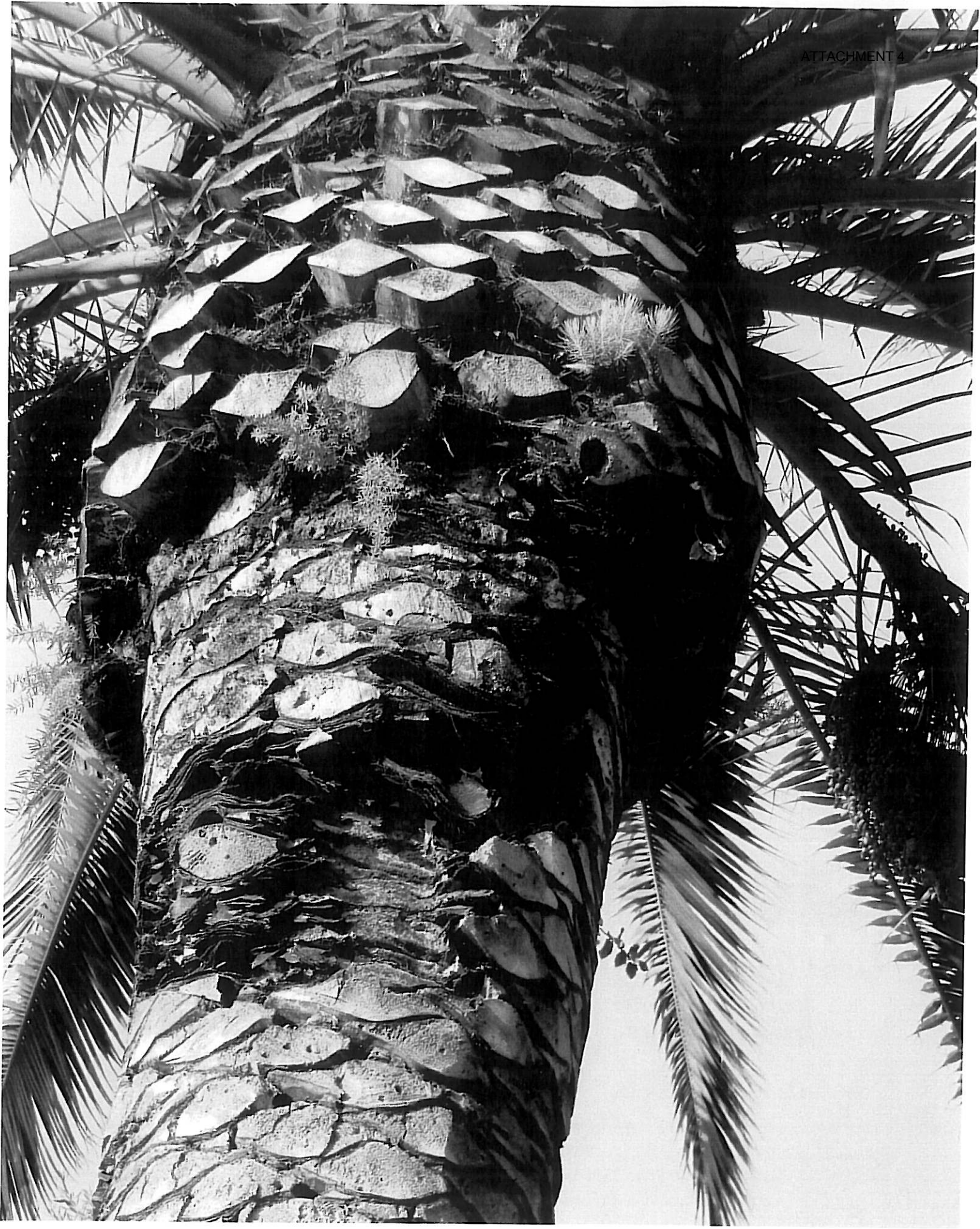
Sincerely,

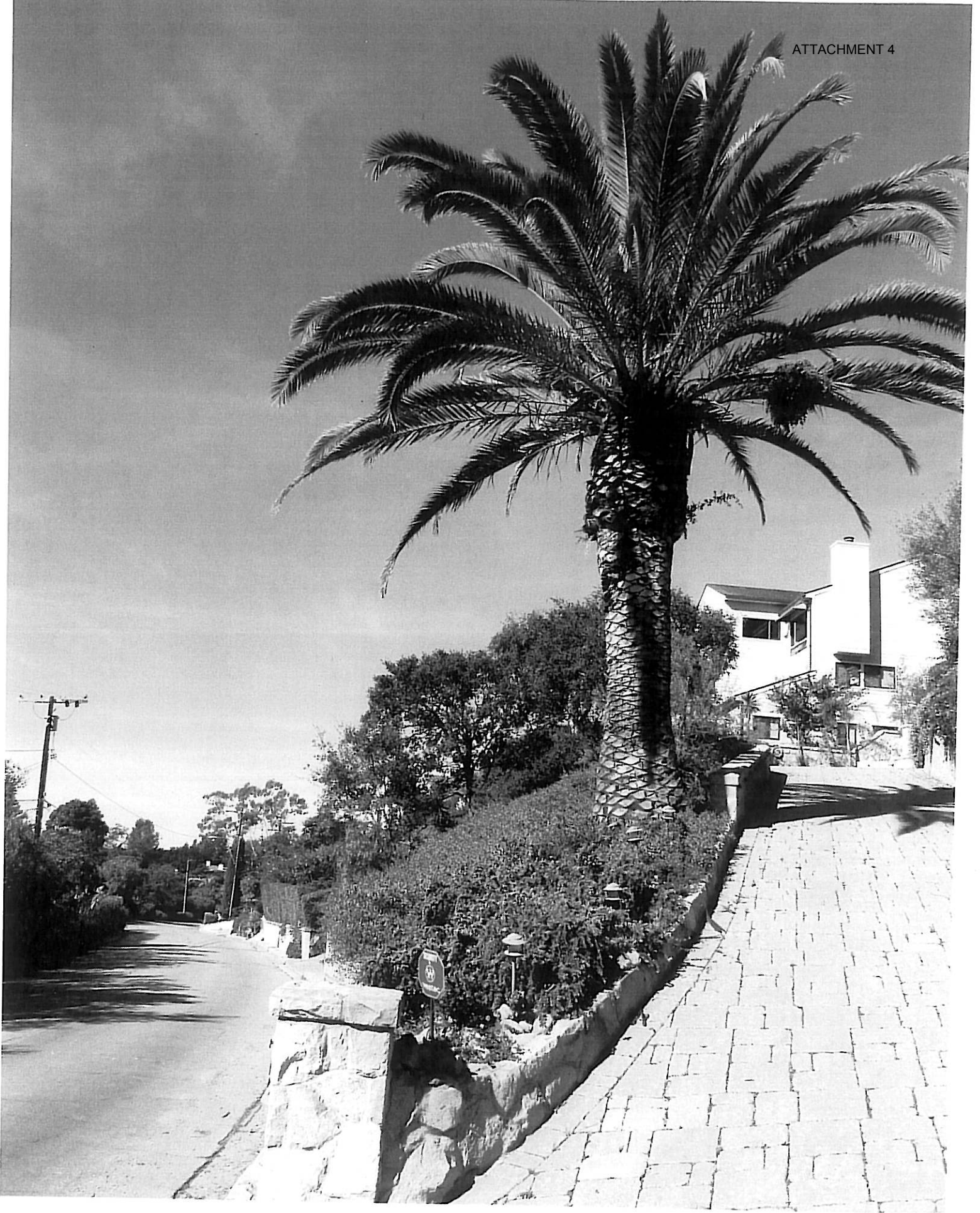
Tony Warrecker  
Owner, Vista Tree Service, Inc.

Warrecker Brothers Vista Tree Service, Inc.

315 Meigs Rd. Suite A-414 • Santa Barbara, CA 93109 • (805) 964-1653 • [tonywarrecker@cox.net](mailto:tonywarrecker@cox.net) • [www.vistatree.com](http://www.vistatree.com)









DR. MICHAEL R. COOPER

RECEIVED

February 5, 2011

2011 FEB -1 AM 8:31

CITY OF SANTA BARBARA  
CITY CLERK'S OFFICE

Madam Mayor and Council,

While I am here to appeal the City Parks and Recreations decision denying my request for the removal of a volunteer, non native Date Palm, I am also here to question the rule in the City Parks and Recreations regulations indicating that the tree can only be removed after a certified arborist or Parks and Recreation staff determines that the tree is "an immediate and eminent danger to public safety".

How is it logical for elected officials and city staff to choose to neglect a problem until it becomes "an immediate and eminent danger to public safety". In my profession, health care, if I knew a patient had a medical problem and I waited until that patient was in immediate and eminent danger, I would be guilty of malpractice. It would be interesting to have a candidate for City Council tell a group of voters, "Vote for me and I promise that I will only protect you from danger when that danger is immediate and eminent".

In addition to not being allowed to remove the tree, that I feel is a risk to public safety, Mr. Tim Downey, the Urban Forest Superintendent, informed me that I am liable if a member of the public is injured by the tree. Mr. Downey's belief that I am liable for any injuries that this tree may cause are as ludicrous as the regulation that prevents me from removing the tree. I have discussed this liability issue with my insurance agent and my lawyer. Their opinions are that the City of Santa Barbara could take this position in a liability lawsuit. However, since I have declared the tree a danger to public safety and have requested that the tree be removed and I have appealed the city's denial, a plaintiff's attorney would include the city in the lawsuit because of the city's greater financial resources.

Mr. Downey informed me that I am also responsible for maintaining the tree in state of health. One of the reasons I want the tree removed is the cost of maintaining it. The tree is getting to a height that it is becoming necessary to use a truck with bucket and an arm to trim it. Comparing the projected costs of maintenance to the fine for removing the tree it would be cost effective to remove the tree now, pay the fine and avoid the future maintenance costs.

My hope is that by appealing the ruling, you might take a much closer look at the regulation as stated, and not wait until the public is placed in "immediate and eminent danger."

Thank you.



Dr. Michael R. Cooper

## **Michael Cooper**

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**From:** Duke McPherson <treemanduke@cox.net>  
**Sent:** Monday, January 10, 2011 3:49 PM  
**To:** Dr. Michael Cooper  
**Subject:** Arborist report

Hello Dr. Cooper,

I have struggled with the idea of a viable report concerning the palm tree for days now. I have to conclude that, at this time, I cannot find a solid reason, given the current City regulations regarding "setback" trees to recommend for its removal. I would recommend, however, that you put the City on notice that you simply cannot keep up with removing every fruit on the tree throughout the year: fruit which, with their hard centers, may be a be at any time a risk to the public welfare. It seems to me this would effectively remove your liability.

Please let me know if I can be of further service in this or any other tree related matter.

Warmest regards,  
Duke McPherson